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Deposited in DRO:

14 March 2016

Version of attached file:

Accepted Version

Peer-review status of attached file:

Peer-reviewed

Citation for published item:

Coddington, K. and Catania, R. T. and Loyd, J. and Mitchell-Eaton, E. and Mountz, A. (2012) 'Embodied possibilities, sovereign geographies, and island detention : negotiating the 'right to have rights' on Guam, Lampedusa, and Christmas Island.', *Shima : the international journal of research into island cultures.*, 6 (2). pp. 27-48.

Further information on publisher's website:

<http://www.shimajournal.org/issues/v6n2/f.%20Coddington%20et%20al.%20Shima%20v6%20n2%2027-48.pdf>

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EMBODIED POSSIBILITIES, SOVEREIGN GEOGRAPHIES, AND ISLAND DETENTION: Negotiating the 'right to have rights' on Guam, Lampedusa, and Christmas Island

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Abstract:

Sixty years after the 1951 Convention on the Status of Refugees attempted to negotiate the problematic political relationship between states and refugees highlighted by Hannah Arendt, shifting geopolitical, legal, and sovereign geographies have exacerbated the unevenness of refugees' ability to claim the right to seek asylum. In this paper, we employ a framework of embodied epistemologies to extend Arendt's insights into the role of the stateless for sovereign logics. We argue that the 'right to have rights' *as an embodied possibility* is not only integral to the logics of sovereignty, but also to the creation of new political spaces. Our paper draws on collaborative case studies in Guam/Northern Marianas Islands, Lampedusa, and Christmas Island. We argue that while Arendt paid singular attention to the terrain of the sovereign, there exists a far more complex geography of the state that must be negotiated to claim rights. The 'right to have rights' is *necessarily* an embodied possibility and practice that creates new political spaces on the grounds of and across sovereign spaces and nation-state territories.

Keywords: rights, asylum, island detention, embodied epistemologies

Map: To Be Included

The dramatic geopolitical upheavals following the Second World War initiated debates over the relationships between nation-states, citizens, and newly stateless populations. Hannah Arendt's (1951) *The Origins of Totalitarianism* centers refugees within political theory. Refugees disrupt the relationship between individuals as citizens and the state; the state protects citizens, and in turn, citizens are responsible to the state. This relationship creates political status, or the 'right to have rights.' Statelessness represented a crisis precisely because refugees *lose* the 'right to have rights,' and states and stateless peoples lose accountability towards themselves or a wider political community.

Yet the tie between refugees' 'right to have rights' and state sovereignty, Arendt argues, is an insidious *necessity* of the structure of state-granted human rights. Human rights are only meaningful for those political subjects for whom the 'right to have rights' is authorized by the state (Isin and Rygiel, 2007: 186). The implicit universality and inalienability of 'human' rights becomes increasingly

contingent as the promise of the universal 'human' is replaced by the nationalist category of the 'citizen' (Hayden, 2008: 252). The logic of nation-state sovereignty, Arendt maintained, is predicated on the normalization of statelessness (Isin and Rygiel, 2007: 188; Hayden, 2008: 250). Depriving people of rights becomes integral to nation-state sovereignty, the necessary flip side of state-granted human rights (Hayden, 2008: 253).

Even as Arendt struggled with the implications of this breach in political community, the United Nations 1951 *Convention Relating to the Status of Refugees* attempted to reconfigure the obligations between refugees and states by establishing protections to prevent the return (*non-refoulement*) of refugees and the right to seek asylum, yet also retaining the right of states to grant asylum. Despite the 1967 extension of refugee protection, the uneven geographical and geopolitical application of the *Convention* by signatory states has remained a characteristic experience for asylum seekers.

Sixty years after the *Convention*, shifting geopolitical, legal, and sovereign geographies have exacerbated the unevenness of refugees' ability to seek asylum. Geographically diffuse and seemingly disparate border enforcement strategies deter migrants from seeking asylum, dehumanize their efforts, and detain them upon arrival. Strategies to deter migrants employ a variety of complex geographical tools: 'in-country processing' pre-selects refugees for resettlement; deterrent strategies such as mandatory detention and interdiction of migrants en route to their destinations attempt to prevent refugees' 'spontaneous arrivals'; and regional agreements push sovereign border enforcement away from territorial boundaries to third countries or interstitial transit spaces (Mountz, 2011a). Locations of migrant interdiction and detention become sites of deadly geopolitical contestation across geographic scales. Using geography to legislate zones of criminality (Burridge, 2011) and to prevent access to sovereign territory where rights claims may be exercised creates "statelessness by geographic design" (Mountz, 2010).

States employ narratives that dehumanize refugees before they arrive, depicting individual stories of displacement, movement, and resilience in disembodied terms of floods, locusts, and vultures (e.g. O'Doherty and Lecouteur, 2007; Every and Augoustinos, 2008). Such dehumanizing narratives rely on metaphors of uncontrollable natural forces, justifying securitized discourses of border regulation that protect the home front from fearsome threats (e.g. Long, 2006; Martin, 2010). These representations obscure the geopolitical and geoeconomic forces that create displacement and danger. Narratives reinforce constructions of refugees as lacking the 'right to have rights;' not only are they located in *spaces* constructed as rightless, but through dehumanizing narratives they are also depicted as rightless *bodies* as well.

The shifting geopolitical spaces of asylum processes and dehumanized characterization of refugees becomes graphically embodied in the detained asylum seeker: "[w]ith detention... *who* one is relates to *where one is located*" (Mountz, 2011a: 386). Spaces of detention facilitate states' attempts to prevent refugees from asserting their 'right to have rights,' or exercising political subjectivity (Isin and

Rygiel, 2007: 189). Detention limits the capacity of asylum seekers to position themselves as subjects. The more they become incapacitated in these limbo spaces—the more, as Arendt writes, they lose “the right to action” (Hayden, 2008: 265)—the greater the possibility that they will be denied rights altogether (Isin and Rygiel, 2007: 192). Indeed, “life without speech and without action... is literally dead to the world,” Arendt states (Owens, 2009: 578).

Where nation-states posit territory as the space of rights, they also exercise power to create sovereign spaces—such as detention—that strip rights and prevent certain political practices (Agamben, 1997). These sovereign spaces, nonetheless, become the grounds for political action and speech, forming new political spaces in the interstices of transnational communication, publicity, and advocacy. In these spaces of biopolitical and sovereign power, the struggle over who may and may not have the ‘right to have rights’ is a battle over who sovereign power forces to inhabit what Gilmore (2002: 21) terms the “‘inhuman’ side of the contradictory unity ‘human being.’”

Migrants thus navigate a shifting geopolitical field in which the right to have rights is mediated through dehumanizing depictions that simultaneously amplify migrants as outsized threats and silence lived experiences and power relations. To respond to the series of disembodied strategies for migration ‘management’ (Andrijasevic and Walters, 2010; Ashutosh and Mountz, 2011) characteristic of modern sovereign geographies, we counter with humanity. Arendt argues that the creation of a new political space—asserting the ‘right to have rights’ through political action—challenges logics of nation-state sovereignty that deny the rights of the stateless (Owens, 2009: 578). We extend Arendt’s insights into the role of the stateless as part of necessary sovereign logics and the importance of establishing political relationships through action, arguing that **the ‘right to have rights’ as an embodied possibility is not only integral to the logics of sovereignty, but also to the creation of new political spaces on the grounds of and across sovereign spaces and nation-state territories.**

Embodied methodologies provide a counterpoint to the seemingly disembodied depictions of migration enforcement. We characterize feminist geographical scholarship that relies on embodiment to challenge deadly geopolitical configurations and seemingly disembodied exercises of sovereignty as “embodied epistemologies” (e.g. Mayer, 2004; Mountz, 2004; Garmany, 2009). By using the term embodiment, in this context, we signal the use of research and representations that are attentive to bodily experience and everyday life of people involved in detention. The people whose migration becomes ‘managed’ transform detention from “spaces of abjection” into spaces of political confrontation (Isin and Rygiel, 2007: 184). Recounting the suffering of people erased from dominant geopolitics makes possible new political spaces. Documenting the in-between spaces in which so many asylum seekers are trapped and mapping the relationships among sites of detention, apprehension, and policy making makes knowable the vulnerable *people* whom security paradigms, border management strategies, and demonizing narratives obscure. Their experiences of statelessness

exposes the very vulnerability of the relationship between citizens and nation-states criticized by Arendt.

We begin this paper by introducing our collaborative research project, and elaborating on our framework of embodied epistemologies. This approach guided our research trajectories in the field as well as our findings, which explore the spaces and scales through which Arendt's 'right to have rights' may be exercised. We employ three case studies to develop different aspects of our argument that the 'right to have rights' *as an embodied possibility* is not only integral to the logics of sovereignty, but also to the creation of new political spaces. Guam and the Northern Marianas Islands illustrate how invisible migrants and militarized landscapes complicate the dichotomous citizen/stateless sovereign relationship Arendt posited by contributing a critical view of the uneven spatiality of sovereign territory. The struggle over migration in Lampedusa illustrates how the 'right to have rights' is temporally and spatially dependent on shifting *geopolitical* relations ranging from local to international scales. Finally, detained asylum seekers have responded to Australia's asylum policies through bodily acts of protest and self-harm—acts that reveal both political activities challenging sovereign logics and the bodily effects of policies enacted far from sites of power. We end by discussing conclusions and suggestions for future research.

The Island Detention Project

This paper is based on research conducted by a team of geographers working together on the Island Detention Project. Overall, the project explores why and how islands become sites of struggle over migration, entry and exclusion, detention, and migration 'management' (Mountz, 2011b).ⁱ Islands have become sites where states manipulate uneven geographies of law and sovereignty (Baldacchino, 2010). Histories of colonialism, imperialism, and militarization have constituted island spaces as significant nodes in an array of geostrategic and geo-economic relationships (Kothari and Wilkinson, 2010). Islands share a common topological feature: apparent remoteness and peripherality become central to the exercise of sovereign power (Mountz, 2011b).

The islands are linguistically, culturally, economically, geographically, and jurisdictionally different from one another. Some are independent nation-states, others have colonial histories and economic ties to regional powers, and still others are overseas territories. In each region, however, these islands figure in struggles over migration and are connected by other important similarities (Mountz, 2011b). Each island has a history of crisis surrounding marine arrivals. Each mixes military and tourism economies that rely on authorized migrant populations even as they deny access to asylum seekers. Each is located closer to migrant regions of origin than destination, proximate to the transnational ocean journeys where migrants are intercepted. In many ways, island detentions mirror exclusionary, politicized dynamics in non-island detention facilities in various national contexts (Gill, 2009; Conlon, 2010; Martin, 2011). State practices surrounding detention glean power from the silence and

disembodiment of migrants created through their isolation and their dehumanization in public discourse.

Research methods for the Island Detention Project reflect the complex circumstances of asylum seekers themselves, driven by dehumanizing narratives and silenced by the remoteness of island detention sites. Rather than approaching detention as a fixed site, we conceptualized detention instead as a series of embodied linkages: as locally embedded sites needing analytical contextualization in a series of concentric zones that included geopolitical relationships, national policies, and transnational economies; as nodes of flows where people, things, and ideas cycle in and out; as networked sites that were simultaneously connected to local transnational communities and isolated; and as sites where daily life unfolds, however unusual the circumstances. Such concentric zones not only allowed us to focus on the embodied, everyday practices of island detention, they also allowed us to work cautiously in the politicized and surveilled environments where detention happens.

Our methods followed these embodied pathways as they rippled outwards from the sites of detention. Fieldwork began in 2010 in Christmas Island, Lampedusa, and Guam, islands connected to countries that have particularly pronounced enforcement archipelagos and established records of using islands to detain migrants intercepted offshore. Christmas Island is an Overseas Territory of Australia. Lampedusa is an Italian island that is administratively part of Agrigento, Sicily, but geographically closer coastal Tunisia. Guam and Saipan are both part of the United States Commonwealth of the Northern Marianas, but each hold distinct political status. Our use of enforcement archipelago draws on Mountz's (2011b) explanation of the term. She discusses island detention facilities as one node in a broader archipelago of border enforcement strategies that extend beyond mainland territories. Team members spent two field seasons in each of these three sites, and we conducted additional research in Indonesia, Malta, and Greece, and the United States. Methods included semi-structured and open-ended interviews, participant-observation during visits to detention centers and surrounding communities, mapping, and archival research.

We met people in detention, met their friends, family members, and advocates, and traced their connections to long-term community residents, members of the media, or employees of the detention networks. Close to two hundred¹ interviews were conducted with authorities, activists, advocates, former detainees, detention center staff, interpreters, refugee lawyers, and NGOs, among others. Given attempts by authorities to make detainees invisible, their visibility is important, and yet, representation is fraught with power asymmetries. The idea of 'giving voice' through representation was not our goal. Instead, we sought to trace embodiments of detention in ways that confronted silence and absence. As researchers with stable legal status and funding to study migration in remote

¹ Correct before proofing.

places, our own mobility proved more fluid than detainees' whom we visited and joined in their struggle for freedom, and sometimes jarringly so. We wish not to express masculinist bravado about efforts to enter detention facilities; on the contrary, it was a mixture of privilege and political commitment that propelled us forward through complicated situations and spaces of surveillance.

Guam and Saipan: The effects of shifting sovereignty in a militarized landscapeⁱⁱ

As an archipelago of tiny Pacific islands under US jurisdiction, Guam and the Commonwealth of Northern Mariana Islands (CNMI) are at once geographically remote from, and geopolitically important to the continental United States. In particular, Guam and Saipan have figured centrally in the United States' efforts to manage, and often restrict, asylum-based immigration.

Guam, an unincorporated US territory, hosts two major US military basesⁱⁱⁱ and several training facilities, sites with a long history of being repurposed as migrant detention, 'processing,' or resettlement facilities. Since World War II, thousands of refugees and asylum seekers have landed on Guam, some by their own volition and others brought to Guam for 'processing' by the US military, such as the 100,000 Vietnamese refugees held in temporary refugee camps after the Vietnam War (Commander in Chief Pacific Representative, 1976), or the approximately 6,600 Kurdish refugees processed for resettlement during the First Gulf War. Since then, Guam's facilities have also held close to a thousand Burmese political refugees and a significant and unreliably documented number of Chinese asylum seekers (Smith et al., 2010b). When the number of asylum seekers arriving by boat from China increased in the late 1990's, the Coast Guard, Navy and Customs and Border Patrol (CBP) began to intensify border control in order to dissuade and deter arrivals. As a result, migrants on Guam are not currently detained in large numbers or for extended periods of time, and asylum-seekers are often rendered invisible to the wider public.

Asylum and detention issues in the region are also complicated by the differential territorial statuses among the various islands. While Guam is an unincorporated US territory, the Northern Mariana Islands – an archipelago of fifteen islands directly to the north – constitute a US commonwealth (CNMI). This territorial distinction has manifested through different degrees of US federal involvement in local administration. Historically, the CNMI has exercised local control over immigration, border control and customs. In 2009, however, the US Department of Homeland Security (DHS) assumed control of these functions through the Consolidated Natural Resources Act (CNRA), which established a five-year transitional period for federal immigration jurisdiction to fully take effect (2008). By April 2011, US Customs and Border Patrol (CBP) had already processed close to 515,000 "arriving travelers" on the islands of Saipan and Rota^{iv} (Government Accountability Office (GAO), 2011).

The federalization of immigration in the CNMI further destabilizes the precarious legality of asylum seekers and potential asylum seekers in the region. Immigration and Customs Enforcement (ICE) are

increasingly transferring migrants apprehended near or on Guam to a detention facility in Saipan, which has ICE been using since June 2011^v (Government Accountability Office (GAO), 2011). This practice effectively strips migrants of the right to asylum: the CNRA declares migrants on Saipan ineligible for asylum until the transition period ends in 2014, or possibly later (Eugenio, 2009; Federal Register, 2009). Somewhat ironically, the Act clarifies that “any detainees that ICE transports from the CNMI to Guam, Honolulu, or other US locations can apply for asylum;” yet such a pattern of practice by ICE is yet to be evidenced (Federal Register, 2009).

The multiple and expanding layers of legal, police, and military borders around and between the islands have also led migrants to seek different modes of entry into the region. These alternative modes of entry are connected with temporary work visas and increasingly, human trafficking; in particular, sex trafficking and labor trafficking.^{vi} The forms of exploitation common to trafficking victims in both Guam and Saipan—having passports confiscated by employers, being locked into housing barracks at night, being forced into ‘back-room’ prostitution while employed in commercial bars and massage parlors—exacerbate migrants’ vulnerability and restrict their ability to seek help precisely because they are hidden in plain sight.

Furthermore, migrants who seek immigration relief as trafficking victims are required by the FBI and the Department of Homeland Security to become federal informants in the criminal cases against their traffickers. One young Chinese woman interviewed in Guam had endured eight months of forced prostitution in Saipan after accepting a false offer of employment as a waitress. She learned from an FBI agent in Saipan that she would only be eligible for a special immigration visa for victims of human trafficking^{vii} if she testified as a witness in the case against her trafficker. She decided to proceed with the case in order to avoid deportation, but found the experience of testifying extremely traumatizing, as she feared that her trafficker would find her and kill her.

The labor-based and sexual exploitation of migrants is arguably a consequence of the unique environment of militarized, semi-sovereign spaces like Guam, where the military is pervasively integrated into economic, social, and political dimensions of daily life. These dynamics are likely to be heightened by the proposed military ‘build-up,’ which would transfer approximately 8,000 Marines plus dependents to Guam from Okinawa by 2014 (Smith et al., 2010a). An additional 40,000 temporary construction workers are expected to facilitate this process, and it is likely that most of these workers would be migrants from surrounding Micronesian islands and the broader Asia Pacific region (Smith et al., 2010a; Davis, 2011).

Local activists have voiced concern that Guam’s military build-up could lead to increased sexual violence (TANJI, Forthcoming; Smith et al., 2010a). Bars catering to American military men on Guam often employ immigrant women; in some cases, these women may also be engaged in prostitution, whether forced or voluntary. Their experiences, while thoroughly embodied and even visible in such locations, are not necessarily perceived as exploitative or even remarkable. Miyume Tanji

(Forthcoming) argues that sexual violence perpetrated by military service members on Guam is “not politicized in a way that overwrites the dominant narrative of patriotic support of the US military...prostitution and sexual assaults are treated as mundane social issues, or in the abstract context of the international human trafficking system.”

Simultaneously, with the prolonged transition period of CNMI’s immigration federalization, migrants on temporary or conditional work visas and potential asylum-seekers can become entrapped in highly vulnerable positions while increasingly obscured from public view. The paradoxical effects of shifting legal jurisdictions and the people caught between the lines complicate Arendt’s concept of ‘the right to have rights.’ What rights are available to migrants caught in between territorial, jurisdictional, and militarized spaces? As asylum eligibility is redrawn within the region and the law, more asylum seekers are excluded and rendered invisible by the violent and uneven geographies of militarization and sovereignty.

Lampedusa: Multiscalar struggles and the ‘hill of shame’

Since the mid-1990s, Lampedusa has been a significant point of arrival for migrants and refugees arriving from North African cities. *Respingimento* (pushback at the maritime border) became Italian policy in 1998 (Gazzetta Ufficiale, 1998) and began to be enforced with the ~~2007-Joint~~ Operating Protocol of Joint Patrol of the Mediterranean with Italy-Libya (2007). Though human rights groups have decried *respingimento* as illegal, inhumane, and contrary to international law (ASCA, 2010; Caldarelli, 2010; Human Rights Watch 2009; UNHCR 2009), Italy continued the practice, involving Frontex as well as the Tunisian and Libyan governments through bi-lateral agreements (Tazzioli, 2011).

Numbers of registered migrant arrivals on Lampedusa have fluctuated since the beginning of *respingimento* policies, from 42,000 in 2007-2008 to only 2,300 in 2009 (Ministero dell’Interno, 2009). ‘Low’ numbers and the success of the *respingimento* policies prompted ~~the~~ Minister of the Interior Maroni to officially close ~~d~~ the center on Lampedusa,^{viii} whereas in reality, statistics were overstated as migrants continued to be processed through Sicily or other detention centers. In addition, Italy used other methods to limit the numbers of unauthorized migrants. For instance, despite accords with Tunisia preventing the forced repatriation of Tunisians from Italy, the Italian government forcibly repatriated groups of Tunisians without their government’s consent (Vassallo Paleologo, 2009; Farhat, 2011; Liberti, 2011). Amnesty International (2011) has critiqued Italian authorities for assuming that Tunisians are economic migrants.

The struggles s over migration on Lampedusa after the overthrow of the Tunisian and Libyan governments illustrate how migrants ‘right to have rights’ is both spatially and temporally dependent on geopolitical relations at multiple scales. Since the ‘Arab Spring’ uprisings, arrivals in Lampedusa have reached over 51,000 (Ministero dell’Interno, 2011). While boat landings on Lampedusa began

immediately after the Tunisian revolution, the Lampedusa detention center (officially a Center of First Assistance and Reception, with a capacity of 850 migrants^{ix}) was officially opened in February, only after over 5,200 Tunisian migrants had already arrived on the island and been transferred to mainland Italy (Tazzioli, 2011). The newly opened center was soon overcapacity and migrants were forced to camp with makeshift tents out of plastic bags and plastic emergency blankets on hills near the port, what locals called *la collina della vergogna*—the ‘hill of shame.’ Food shortages and sanitation issues arose, and although the local church and residents stepped in with meals and blankets, migrants were forced to catch fish, warm themselves by fires, and bathe and relieve themselves in the sea.

Some island residents protested the influx of migrants and negative publicity by occupying the dock, ~~others~~ and fishermen blocked entrance to the port for hours, preventing newly arrived migrants from receiving medical attention. Though ~~government officials~~ local discourse claimed protesters only wanted the national government to intervene, some fishermen interviewed stated they blocked the port because they did not want migrants landing in Lampedusa.

By the end of March, over 23,000 migrants had arrived in Lampedusa and over 6,000 migrants were still on the island -- outnumbering the local population (Amnesty International, 2011; Tazzioli, 2011). Italian Prime Minister Berlusconi flew to Lampedusa to demonstrate the Italian government’s commitment to address the humanitarian crisis and the islanders’ protests, promising to close the center and “return Lampedusa to its former paradise” (La Repubblica, 2011; Redazione, 2011). The government transferred migrants off the island,^x although arrivals from Libya continued to keep the detention center over capacity.^{xi} Yet negotiations over migrant numbers on Lampedusa were not contained within local and national Italian political debates; indeed, *both* the Italian government as well as Lampedusa’s mayor appealed—unsuccessfully—to EU member countries and foreign politicians for help (Armellini, 2011; Libero News, 2011). Finally—and in the context of what residents and activists on Lampedusa considered a ‘manufactured’ emergency on Lampedusa—Italy negotiated a new bilateral agreement with Tunisia and began forcibly repatriating migrants in April 2011 (Liberti, 2011; Mangano, 2011).

Tensions increased within the detention center as migrants responded to these attempts to curtail migration from North Africa. In June, local NGO workers and activists related that Tunisian ~~s~~ minors and adults had been in the Lampedusa center for months, as the state had deemed them ineligible for asylum and did not know what to do with them. Several detainees attempted suicide and self-harm in protest. In September, migrants set fire to the detention center in response to new Tunisian bilateral agreements intensifying repatriations. Some residents shouted racial epithets and threw rocks or trash at the over 1500 migrants fleeing the fire. Claiming a crisis, the local mayor locked himself in his office with “a baseball bat for self-defense”, declaring, “we are at war” (ANSA, 2011). In the days to follow, he and Vice Mayor and Lega Nord Senator Maraventano blamed Tunisian “delinquents” for the fire, claiming they were unworthy of refuge like those fleeing war [in Libya], and accused local human rights monitors of instigating migrants to violence ~~r~~ (Sensi, 2011; Vaina, 2011). The following day,

approximately 500 local residents violently threatened migrants, culminating with police beatings of migrants.

As they had previously, events on Lampedusa formed the context for local and national appeals for EU assistance, and subsequent draconian actions by the Italian government under the auspices of another “emergency”. Commercial cruise ships transferred all Tunisian migrants from Lampedusa to the port of Palermo, where they remained on board for days before being forcibly repatriated to Tunisia. The port of Lampedusa was closed indefinitely, to the dismay of multiple human rights agencies (Tazzioli, 2011; UNHCR, 2011). Although migrant rescues continued near Lampedusa, the government again claimed, as it had in 2009, that the Lampedusa problem had been ‘solved’—and closed the detention center. Under the new government, the center was re-opened in the summer of 2012 to accommodate continued migrant landings.

Migrants’ repeated protests and need to make shelter outside the detention center, or rather, seek their rights outside the state, highlights how geopolitical relations at different scales influenced migrants’ embodied experiences on the island. State and local attempts to obtain supra-national cooperation to deal with migration enacted violence on the bodies of Tunisians who were left to suffer the elements, lack of food, and human rights abuses for over two months on Lampedusa. Because the Italian state assumed *a//* Tunisians ineligible for asylum, it enacted further violence by pushing back, confining, detaining, and repatriating them. The bodies of migrants—hungry, cold, unhoused, or even in some cases, scarred by self-harm—became some of the many sites of struggle over the ‘right to have rights’ on Lampedusa.

Christmas Island: “Wounds speak louder than words” (Malkki, 1996: 384).

Passengers en route to the island territory of Christmas Island, a 60-square mile Australian outpost only 200 miles south of Java, begin their flight by exiting Australian territory and finish by re-entering it, landing near tailings from the phosphate mine established in 1888 (Hayward, 2009: 58). While mining continued after the transfer of the island to Australia in 1958, Australians dreamed of other, more elaborate uses: a high-stakes casino encouraged more illicit activity than family tourists, and the space center never brought the promised Russian satellites (Grose, 2002). Instead, the industry that took off was the detention of asylum seekers.

Australian policy has mandated detention of all asylum seekers deemed “irregular arrivals” since 1992 (Hawke and Williams, 2011), but the 2001 arrival of the freighter *Tampa* catalyzed contemporary public attention, legislation, and enforcement activities directed at asylum seekers. The *Tampa* rescued 433 asylum seekers at sea, but the Australian government refused to let them ashore for several days. New legislation enacted after the arrival of the *Tampa* retroactively excised offshore territories, including Christmas Island, for the purposes of migration claims (Perera, 2002). Interdicted at sea, asylum seekers brought to Christmas Island and other excised places entered into a claim process with reduced opportunities for appeals, even if they were later transferred to the mainland

(Bem et al., 2007). Many were also diverted as part of the 'Pacific Solution' to several Pacific island nations as well as to remote prisons in the mainland desert.

The Labor government abolished some of the more draconian immigration policies in 2007, and it began using Christmas Island as the primary site of asylum seeker detention (Grewcock, 2008; Marr, 2009). The Phosphate Hill detention center was built in 2001, the purpose-built, \$396 million detention facility on Northwest Point followed in 2008, followed by the former worker's Construction Camp (Hawke and Williams, 2011).

Yet even with three detention facilities, Christmas Island could not house all of the asylum seekers who arrived by boat in the next several years. Whereas in 2008, Christmas Island held 31 asylum seekers, by December 30, 2011, it housed 2,811 (Asher, 2011; Taylor, 2011a: [5](#)). The booming prison industry strained island capacity: despite the new jobs available, food prices soared, rooms became scarce, and the activities of the temporary staff disturbed local residents (ABC News, 2010; Needham, 2011). Facilities became overcrowded; asylum seekers remained in detention for long periods of time and were housed in highly securitized conditions. The toll of such policies is enormous: mental health professionals argue that detention causes "mental disorder[s]" (Gordon, 2011: [13](#)).

Asylum seekers have responded to the geopolitical violence of detention and the stressful living conditions on Christmas Island in a variety of ways: turning towards religion or exercise, taking sleep medications and anti-depressants, or engaging in acts of protest or self-harm. Their responses reveal both struggles for recognition and the embodied effects of policies enacted far from sites of power. Self-harm and protest reflect the violence of detention and rejection back at the Australian nation-state as a whole, notes Pugliese (2011). These acts project the violence of excision, interdiction, and long-term detention absorbed by the asylum seekers outwards. By making visible the everyday violence of Australian immigration policy, these acts become cries for recognition as persons in crisis *and* as people deserving of the 'right to have rights'—as essential members of the Australian political community.

For example, as many as 230 asylum seekers on Christmas Island went on a hunger strike in November 2010, accompanied by up to 20 asylum seekers who sewed their lips shut and one who attempted suicide (Australian Associated Press, 2010; Guest, 2010: [6](#)). In March 2011, asylum seekers set tent accommodation on fire, threw rocks, and pushed down fences at Northwest Point (Australian Associated Press, 2011a, b; Wire Importer, 2011b). Asylum seekers on Christmas Island continued to protest in various ways throughout 2011, including lip sewing and rooftop protests in April; over 55 cases of threatened and actual self-harm between April 14 and May 10; rioting and rooftop protests in early June; lip sewing and hunger strikes later in the month; and rioting and setting fires in July (Bastians, 2011: [5](#); Iggulden, 2011; Narushima, 2011: [2](#); Taylor, 2011b: [7](#); The Advertiser, 2011; Wire Importer, 2011a).

By 2011, even though the majority of Australia's asylum seekers had been transferred back to mainland detention facilities, *over* half of the self-harm incidents in the immigration detention system were occurring on the island (Bastians, 2011: [5](#); Taylor, 2011b: [7](#)). Internal documentation from SERCO (the contractor managing detention facilities) showed that, by July 2011, staff were obliged at all times to wear Hoffmans, special knives given to staff to cut down asylum seekers who attempt to hang themselves, and were urged to confiscate asylum seekers' razor blades after they showered (Bastians, 2011: [5](#)). Guards reported self-harm incidents on a daily basis, for example:

'People bury themselves up to the neck in the middle of the compounds as an act of desperation, I guess. There's one man who's dug himself a six-foot deep grave in B2 compound and he's been sleeping in there day and night on a regular basis,' reported Kaye Bernard of the Christmas Island Worker's Union (7:30 Report, 2011).

While SERCO management has minimized the cases of self-harm and incidents of protest as part of a 'self-harm culture' designed to manipulate the refugee process (Hooke and Cordell, 2011), asylum seekers and advocates use a variety of means to get public and media attention to these incidents. Some asylum seekers with mobile phones text advocates about hunger strikes, mock graves, and rooftop protests. Others use email or social networking sites like Facebook to alert friends in other detention facilities who receive visits from friends and advocates.

After the major protests, the Australian government commissioned new detention centers on the mainland and reopened old ones, continuing to process arrivals on Christmas Island to retain their differential 'offshore' legal status. Remodeling at Northwest Point detention center, meanwhile, increased the number of cells in its 'behavioral management unit' to house over 50 asylum seekers in isolation. Two accommodation blocks became "a fully caged compound" (Taylor, 2012: [1](#)); a third had barred windows and constant surveillance. The intent of the renovations was to incarcerate the asylum seekers deemed most difficult to manage, and asylum seekers were threatened with transfer to Christmas Island if they do not "behave" (Taylor, 2012: [1](#)).

Palmer and Matthews (2006) describe excision as a geopolitical strategy that also defines the moral boundaries of the Australian imagination, determining not only who gets rights, but also who *deserves* them. Yet Christmas Island, excised from the Australian nation, becomes repeatedly reinscribed within the Australian community each time an asylum seeker communicates the ongoing suffering inside detention centers. Framing the trauma of detained asylum seekers who harm themselves as a 'self-harm culture' obscures how these acts are among the many efforts asylum seekers use to assert their 'right to have rights' and demand recognition. Indeed, by dismissing self-harm as a manipulative strategy, SERCO and the Australian Immigration Department mask their own roles in limiting asylum seekers' access to rights. The bodily effects of excision and mandatory detention demonstrate how these asylum seekers *embody* the lack of the 'right to have rights'—and

how new political spaces created through protest and social networking may emerge to contest these policies.

Conclusions and future directions

The three case studies develop different aspects of our argument that the 'right to have rights' *as an embodied possibility* is not only integral to the logics of sovereignty, but also creates new political spaces on the grounds of and across sovereign spaces and nation-state territories. The self-harm of asylum seekers on Christmas Island highlighted the embodied effects of shifting geographies of asylum and limiting access to rights. Struggles over migration on Lampedusa during the 'Arab Spring' show the contingency of geopolitical, legal, and sovereign geographies, and how these geographies become manipulated on multiple scales to limit migrants' access to rights. Finally, the example of Guam and the Northern Marianas Islands illustrates how embodied epistemologies extend Arendt's dichotomous citizen/stateless sovereign relationship to account for the complicated, embodied effects of neo-colonial territorial status and militarization.

Together these cases grapple with the consequences of shifting legal geographies that attempt to constrain access to asylum both on-and offshore, and illustrate the embodied results of the diminishing rights that accompany these strategies. Each case features an island encountering quickly changing circumstances, and each highlights the bodily vulnerabilities that such state policies create as migrants attempt to access formal political spaces. Their exclusion and detention in turn creates the possibility for new political relationships that span a range of geographic scales. Together, our case studies demonstrate the contingent nature of struggles over rights, and suggest some of the complexities these struggles introduce to the process of knowledge production. By exploring these cases through the framework of embodied epistemologies, we engaged more fully with the material, interstitial spaces *and* the multiple scales in which Arendt's 'right to have rights' may be exercised.

We struggled with the tragic juxtaposition of our own possibilities for mobility with the restricted mobility and forced enclosure of detainees who so often expressed a desire and need to get out and move on. Embodied epistemologies offer important insights gained from acknowledging, discussing, exploring, and seeking political potential in these encounters across differential mobilities. Our resources for mobility and legal documentation alone did not overcome the friction of distance. Often, our ways of interpreting migrants' own knowledge, interpretation, and reactions to state violence relied on wounds—as Malkki (1996: 384) writes—rather than words. The complexities of migrants' own embodied epistemologies remain subjects for future research and consideration—own ways of knowing became inextricably entangled with those of the advocates, local residents, and migrants we encountered on the islands we visited. We are learning that mobility is a resource that can be brought to collaborative struggles for social change, but one that must be expended

accountably. Such feminist research documents rapidly changing and increasingly isolated, punitive, and militarized terrains too easily obscured in policy terms of 'managed' migration.

An asylum seeker detained in Darwin, Australia recalled his transfer from Christmas Island nearly 18 months previously, saying, "It was like coming to a new country, coming from Christmas Island to Australia." This conversation captures our contention that the possibility of 'having' rights is both embodied and geographically contingent. Arendt's theories about the mutual obligation between state and citizen underpinning the creation of political community must be extended to account for the shifting geopolitical, legal, and sovereign geographies encountered by asylum seekers today, or the relationship between political spaces and the 'right to have rights.' The 'right to have rights' as an embodied possibility, as we explore on Guam, Lampedusa, and Christmas Island, is not only integral to the logics of sovereignty, but creates new political spaces on the grounds of and across sovereign spaces and nation-state territories.

Our research has shown the differential treatment of asylum seekers by sovereign entities at multiple scales. Future research can develop this insight with closer analyses to the racialized, gendered and sexualized relationships that inform struggles over migration at a range of scales. Even as states have created barriers to migration that increase vulnerabilities for migrants, they simultaneously advance humanitarian and so-called 'feminist' claims to protect particular vulnerable populations from the dangers of traffickers and sexual exploitation. The stark gendering of this state discourse stands in contrast to otherwise gender neutral, disembodied language of migration management, and has embodied consequences for people on the move. Borders are blurring, sovereignties are shifting, and migrants are struggling to come to terms with the constraints these new policy paradigms impose on their rights. Events are moving quickly; scholarship needs to catch up.

Acknowledgements

This material is based upon work supported by the National Science Foundation under Award #0847133 (Principal Investigator: Alison Mountz). Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the National Science Foundation.

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ⁱ Our larger project aims to contribute to mapping projects that locate detention and detainees, helping to counter their silence, exclusion, and invisibility.

ⁱⁱ Emily Mitchell-Eaton conducted interviews in this section; R. Tina Catania conducted those from Lampedusa; Kate Coddington conducted those from Christmas Island.

ⁱⁱⁱ The largest military facilities on Guam are Anderson Air Force Base; Apra Harbor Naval Reservation; and the US Naval Magazine (Lutz, 2010).

^{iv} Saipan, Tinian and Rota are the islands in closest proximity to Guam, located approximately 120 miles north of Guam (Mountz, 2011b).

^v The CNRA stipulates that Saipan and CNMI will now provide the U.S. federal government with “up to 350 detention beds at a daily rate of \$89 per bed, including related detention services” (Government Accountability Office (GAO), 2011: 6).

^{vi} Labor trafficking on Guam is typically occurring in the form of bonded labor or debt bondage, and the vast majority of current labor trafficking victims are Chinese men employed in construction ~~(Mitchell-Eaton, 2011)~~.

^{vii} The “T” nonimmigrant visa (I-914) was created by Congress in 2000 through the Victims of Trafficking and Violence Protection Act (U.S. Citizenship and Immigration Services, 2012).

^{viii} Maroni’s proposal to rename the Center of First Reception and Assistance led to protests by residents and detainees. Migrants set fire to the center in 2009, ultimately closing it (Liberti, 2011).

^{ix} In Italian, CPSA (*Centro di primo soccorso e accoglienza*).

^x The day before his arrival, over 3,000 migrants were transferred off the island (Geremicca, 2011).

^{xi} Local law enforcement data demonstrated the detention center routinely housed over 1,000 migrants.